

Notice of Allowability

Application No.

10/686,484

Examiner

Michael Trettel

Applicant(s)

SCHENCK, DAVID

Art Unit

3673



-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 5/13/04.
2. ☒ The allowed claim(s) is/are 1-20.
3. ☒ The drawings filed on 10/15/03 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.

Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☒ Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date 05/13/2004
4. ☐ Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☐ Interview Summary (PTO-413),
Paper No./Mail Date _____.
7. ☐ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____.


Michael Trettel
Primary Examiner
Art Unit: 3673

Reasons For Allowance

The following is an examiner's statement of reasons for allowance: The prior art fails to show or suggest the use of a backboard pad that includes a number of gel filled pads including first and second scapula pads, a buttocks pad, a heel pad, and headrest pad, inflatable lumbar and knee pads, and a base pad which support the above set of pads. In general, the use of a backboard pad is well known in the art, see the cited patents to Rose (US 5,088,137), Walton (US 5,819,746), and Muhanna (US 6,138,306) for details of such. In particular, the Rose pad is a plain uniplanar pad without any secondary pads, Walton shows a base pad with an integrated headrest pad, and Muhanna shows an inflatable backboard pad with integrated secondary support pads that are also inflatable. Secondary support pads for use upon a backboard are also well known in the art, see Brault et al (US 4,895,173) or Moody (US 4,655,206) for examples. These references fail to show or suggest the use of the claimed mixed set of secondary support pads. General purpose support pads that includes a base pad integrated with secondary pads are also well known in the art, such as the devices shown in Pierce (US 6,357,066), Proctor (US 5,785,669), and Jacobsen et al (US 4,688,283), none of which show or suggest the structure set forth in claim 1. Finally, secondary inflatable support pads attached to a mattress or the like are also well known in the art, see Hayes (US 2,470,398), Heimreid et al (US 4,893,367), and the UK Application to Iwasa (GB 2196245A) for examples. Hayes in particular shows the use of plural secondary inflatable support pads upon a mattress pad, however these pads are not set forth in the claimed arrangement, nor are they set forth as a mixed set of gel pads and inflatable pads. In view of the above the claims are considered to be allowable over the prior art of record..


Art Unit: 3673

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Michael Trettel whose telephone number is 703-308-0416. The examiner can normally be reached on Monday, Tuesday, Thursday, or Friday from 7.30 am to 5.00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Heather Shackelford, can be reached on (703) 308-2978. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703-308-1113.


Michael Trettel
Primary Examiner
Art Unit 3673